

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

AGENDA HEARING

April 2, 2014

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller presiding.

PRESENT:

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

MICHAEL SILVERSTEIN, Member

HECTOR RODRIGUEZ, Member

JAMES SHORT, Member

ALSO PRESENT:

P-R-O-C-E-E-D-I-N-G-S

(7:43 p.m.)

CHAIR MILLER: All right, we're back on the agenda, I mean we're back on the record to do the Board's Agendas for April 2nd, 2014.

First item on the licensing agenda is a manufacturer's application requesting a change of hours of sales and delivery and change of hours for tasting and consumption.

I move that, well this is for Three Star Brewing Company located at 6400 Chillum Place Northwest, License number --

MEMBER SHORT: Northeast, isn't it?

CHAIR MILLER: Is it? This could be a typo in mine.

MEMBER ALBERTI: Well it's got to be Northeast.

MEMBER SHORT: Yes, it's Northeast.

CHAIR MILLER: Let's correct that.

1 Thank you very much.

2 MEMBER ALBERTI: Right, good
3 catch.

4 CHAIR MILLER: Chillum Place
5 Northeast. License number 087686. I move
6 that --

7 MEMBER ALBERTI: A man who knows
8 the city.

9 CHAIR MILLER: -- we approve. Do
10 I have a second?

11 MEMBER SHORT: Second.

12 CHAIR MILLER: Mr. Short has
13 seconded the motion. All those in favor, say
14 aye.

15 (Chorus of ayes)

16 CHAIR MILLER: All those opposed,
17 all those abstaining. The motion passes six,
18 zero, zero.

19 MEMBER SHORT: Wait a minute, you
20 know what though? Kansas Avenue crosses over,
21 and North Calvert comes behind there.

22 CHAIR MILLER: All right.

1 MEMBER ALBERTI: But this is 6400.

2 MEMBER SHORT: That's northeast.

3 MEMBER ALBERTI: Yes, it's got to
4 be. Yes.

5 CHAIR MILLER: Okay. Second on
6 the agenda is letters from Licensee and
7 Attorney Emanuel Empras requesting substantial
8 change to expand premises into adjacent
9 property.

10 And this is for M&M Market located
11 at 3544 East Capitol Street Northeast, License
12 number 078461. I move that we placard.

13 MR. RODRIGUEZ: Seconded.

14 CHAIR MILLER: Mr. Rodriguez has
15 seconded the motion. All those in favor say
16 aye.

17 (Chorus of ayes)

18 CHAIR MILLER: All those opposed,
19 all those abstaining. Motion passes six,
20 zero, zero. Next is a review of a manager's
21 license application for Jason Hill, ABRA-
22 094569. And I move that we deny. Do I have

1 a second?

2 MEMBER SILVERSTEIN: Second.

3 CHAIR MILLER: Mr. Silverstein
4 seconded the motion. All those in favor, say
5 aye.

6 (Chorus of ayes)

7 CHAIR MILLER: All those opposed,
8 all those abstaining. Motion to deny passes
9 by a vote of five, zero, zero. Next we have
10 a letter from Paul Pascal regarding WRAP
11 SoberRide. And that is just an FYI.

12 On the supplemental licensing
13 agenda, we have a letter requesting a
14 stipulated license. And ANC 1B is in support
15 of the letter.

16 And it's for Brooklyn Flea DC
17 located at 945 Florida Avenue Northwest,
18 License number 094283. I move that we approve
19 this application for stipulated license. Do
20 I have a second?

21 MEMBER SILVERSTEIN: Second.

22 CHAIR MILLER: Mr. Silverstein has

1 seconded the motion. All those in favor, say
2 aye.

3 (Chorus of ayes)

4 CHAIR MILLER: All those opposed,
5 all those abstaining. Motion passes five,
6 zero, zero. We can turn now to our legal
7 agendas.

8 The first item on the legal agenda
9 is a Settlement Agreement dated March 15, 2014
10 between ANC 5D and Peacock Liquors located at
11 1625 New York Avenue Northeast, License number
12 78305. I move that we move this item for a
13 week. Do I have a second?

14 MEMBER SHORT: Second.

15 CHAIR MILLER: Mr. Short has
16 seconded the motion. All those in favor say
17 aye.

18 (Chorus of ayes)

19 CHAIR MILLER: All those opposed,
20 all those abstaining. Motion passes five,
21 zero, zero. Second on the legal agenda is a
22 review of three requests from E&J Gallo to

1 provide retailers of products valued at more
2 than \$50 and less than \$500.

3 I move that we approve this
4 request. Do I have a second?

5 MEMBER ALBERTI: Second.

6 CHAIR MILLER: Mr. Alberti
7 seconded the motion. All those in favor, say
8 aye.

9 (Chorus of ayes)

10 CHAIR MILLER: All those opposed,
11 all those abstaining. Motion passes five,
12 zero, zero. And finally, we have a
13 supplemental legal agenda. First on that is
14 Motion for Continuance of Status and Protest
15 Hearings dated March 26th, 2014 from Paul
16 Pascal, counsel for Applicant.

17 The establishment is the American
18 located at 1209-1213 10th Street Northwest,
19 License number 92766. I move that we grant
20 this Motion for Continuance and provide a date
21 at a later time.

22 MR. RODRIGUEZ: Seconded.

1 CHAIR MILLER: Mr. Rodriguez has
2 seconded the motion. All those in favor, say
3 aye.

4 (Chorus of ayes)

5 CHAIR MILLER: All those opposed,
6 all those abstaining. Motion passes five,
7 zero, zero. Number two is a request to grant
8 ***7:47:38 in the second protest dated March
9 28th, 2014 from Benedict Aubrun of the Reed-
10 Cooke neighborhood association.

11 Protestants against renewal of
12 café ***7:47:51. The establishment is
13 Rendezvous Lounge located at 2226 18th Street
14 Northeast, License number 14272. I move that
15 we approve this request. Do I have a second?

16 MEMBER BROOKS: Second.

17 CHAIR MILLER: Mr. Brooks has
18 seconded the motion. All those in favor, say
19 aye.

20 (Chorus of ayes)

21 CHAIR MILLER: All those opposed,
22 all those abstaining. Motion passes five,

1 zero, zero. Number three is a review of a
2 Settlement Agreement dated March 27th, 2014
3 between ANC 6A and Halftime Sports Bar.

4 Halftime Sports Bar is located at
5 1427 8th Street Northeast, License number
6 94107. I move that we approve the settlement
7 agreement. Do I have a second?

8 MEMBER SILVERSTEIN: Second.

9 CHAIR MILLER: Mr. Silverstein
10 seconded the motion. All those in favor, say
11 aye.

12 (Chorus of ayes)

13 CHAIR MILLER: All those opposed,
14 all those abstaining.

15 MEMBER ALBERTI: I have recused
16 myself from this item.

17 CHAIR MILLER: Okay, so therefore
18 --

19 MEMBER ALBERTI: Mr. Alberti has
20 recused himself.

21 CHAIR MILLER: -- the vote, oh
22 okay, so the vote is five, zero, zero and

1 Alberti is recused. And that completes our
2 agendas for April 2nd, 2014. And we'll just
3 deal with the votes on the closed session.

4 This Chairperson of the Alcoholic
5 Beverage Control Board for the District of
6 Columbia, in accordance with D.C. Official
7 Code section 2-574(b) of the Open Meetings
8 Act, I move that the ABC Board hold a closed
9 meeting on April 9th for the purpose of
10 seeking legal advice from our counsel on the
11 matters identified on the Board's agenda for
12 April 9th as published in the D.C. Register on
13 April 4th, 2014. Is there a second?

14 MEMBER ALBERTI: Second.

15 CHAIR MILLER: Mr. Alberti
16 seconded the motion. I'll now check the roll
17 call of vote of the motion before us now that
18 it's been seconded. Mr. Brooks?

19 MR. BROOKS: I agree.

20 CHAIR MILLER: Mr. Alberti?

21 MEMBER ALBERTI: I agree.

22 CHAIR MILLER: Mr. Rodriguez?

1 MR. RODRIGUEZ: I agree.

2 CHAIR MILLER: Ms. Miller agrees.

3 Mr. Silverstein?

4 MEMBER SILVERSTEIN: I agree.

5 CHAIR MILLER: Mr. Short?

6 MEMBER SHORT: I agree.

7 CHAIR MILLER: Mr. Jones?

8 MR. JONES: I agree.

9 CHAIR MILLER: Okay. It appears
10 that the motion has passed by a seven, zero,
11 zero vote. I hereby give notice that the ABC
12 Board will hold this aforementioned closed
13 meeting.

14 Pursuant to the Open Meetings Act,
15 notice will also be posted on the ABC Board
16 Hearing room bulletin board, placed on the
17 electronic calendar, and ABRA's website, and
18 published in the D.C. Register in as timely a
19 manner as practicable.

20 As Chairperson of the Alcoholic
21 Beverage Control Board for the District of
22 Columbia, and in accordance with D.C. Official

1 Code 2-574(b) Closed Meetings, and 2-574
2 Notice of Meetings of the Open Meetings Act,
3 I move that the ABC Board hold a closed
4 meeting on April 9th, 2014 for the purpose of
5 discussing and hearing reports concerning
6 ongoing or planned investigations of alleged
7 criminal or civil misconduct or violations of
8 law or regulations in seeking legal advice
9 from our counsel on the Board's investigative
10 agenda for April 9th, 2014 as published in the
11 D.C. Register on April 4, 2014. Is there a
12 second?

13 MR. BROOKS: Second.

14 CHAIR MILLER: Mr. Brooks has
15 seconded the motion. I'll take a roll call
16 vote of the motion before us now that it's
17 been seconded. Mr. Brooks?

18 MR. BROOKS: I agree.

19 CHAIR MILLER: Mr. Alberti?

20 MEMBER ALBERTI: I agree.

21 CHAIR MILLER: Mr. Rodriguez?

22 MR. RODRIGUEZ: I agree.

1 CHAIR MILLER: Ms. Miller agrees.
2 Mr. Silverstein?

3 MEMBER SILVERSTEIN: I agree.

4 CHAIR MILLER: Mr. Short?

5 MEMBER SHORT: I agree.

6 CHAIR MILLER: Mr. Jones?

7 MR. JONES: I agree.

8 CHAIR MILLER: It appears that the
9 motion has passed by a seven, zero, zero vote.
10 I hereby give notice that the ABC Board will
11 hold this aforementioned closed meeting.

12 Pursuant to the Open Meetings Act,
13 notice will also be posted on the ABC Board
14 Hearing room bulletin board, placed on the
15 electronic calendar, and ABRA's website, and
16 published in the D.C. Register in as timely a
17 manner as practicable.

18 And that concludes our business
19 for April 2nd 2014. And we are adjourned.

20 (Whereupon, the hearing in the
21 above-entitled matter was concluded at 7:51
22 p.m.)

<p>A</p> <p>\$50 7:2</p> <p>\$500 7:2</p> <p>ABC 10:8 11:11,15 12:3 13:10,13</p> <p>above-entitled 13:21</p> <p>ABRA 4:21</p> <p>ABRA's 11:17 13:15</p> <p>abstaining 3:17 4:19 5:8 6:5,20 7:11 8:6,22 9:14</p> <p>Act 10:8 11:14 12:2 13:12</p> <p>adjacent 4:8</p> <p>adjourned 13:19</p> <p>advice 10:10 12:8</p> <p>aforementioned 11:12 13:11</p> <p>agenda 1:5 2:4,7 4:6 5:13 6:8,21 7:13 10:11 12:10</p> <p>agendas 2:5 6:7 10:2</p> <p>agree 10:19,21 11:1 11:4,6,8 12:18,20 12:22 13:3,5,7</p> <p>agreement 6:9 9:2 9:7</p> <p>agrees 11:2 13:1</p> <p>Alberti 1:15 2:18 3:2,7 4:1,3 7:5,6 9:15,19,19 10:1 10:14,15,20,21 12:19,20</p> <p>Alcoholic 1:2,8,9 10:4 11:20</p> <p>alleged 12:6</p> <p>American 7:17</p> <p>ANC 5:14 6:10 9:3</p> <p>appears 11:9 13:8</p> <p>Applicant 7:16</p> <p>application 2:8 4:21 5:19</p> <p>approve 3:9 5:18</p>	<p>7:3 8:15 9:6</p> <p>April 1:7 2:5 10:2,9 10:12,13 12:4,10 12:11 13:19</p> <p>association 8:10</p> <p>Attorney 4:7</p> <p>Aubrun 8:9</p> <p>Avenue 3:20 5:17 6:11</p> <p>aye 3:14 4:16 5:5 6:2,17 7:8 8:3,19 9:11</p> <p>ayes 3:15 4:17 5:6 6:3,18 7:9 8:4,20 9:12</p> <p>B</p> <p>back 2:4,4</p> <p>Bar 9:3,4</p> <p>Benedict 8:9</p> <p>Beverage 1:2,8,9 10:5 11:21</p> <p>board 1:2,9 10:5,8 11:12,15,16,21 12:3 13:10,13,14</p> <p>Board's 2:5 10:11 12:9</p> <p>Brewing 2:12</p> <p>Brooklyn 5:16</p> <p>Brooks 1:16 8:16 8:17 10:18,19 12:13,14,17,18</p> <p>Building 1:9</p> <p>bulletin 11:16 13:14</p> <p>business 13:18</p> <p>C</p> <p>café 8:12</p> <p>calendar 11:17 13:15</p> <p>call 10:17 12:15</p> <p>Calvert 3:21</p> <p>Capitol 4:11</p> <p>catch 3:3</p> <p>CHAIR 2:3,16,22 3:4,9,12,16,22 4:5</p>	<p>4:14,18 5:3,7,22 6:4,15,19 7:6,10 8:1,5,17,21 9:9,13 9:17,21 10:15,20 10:22 11:2,5,7,9 12:14,19,21 13:1 13:4,6,8</p> <p>Chairperson 1:10 1:14 10:4 11:20</p> <p>change 2:9,10 4:8</p> <p>check 10:16</p> <p>Chillum 2:13 3:4</p> <p>Chorus 3:15 4:17 5:6 6:3,18 7:9 8:4 8:20 9:12</p> <p>city 3:8</p> <p>civil 12:7</p> <p>closed 10:3,8 11:12 12:1,3 13:11</p> <p>Code 10:7 12:1</p> <p>Columbia 1:1 10:6 11:22</p> <p>comes 3:21</p> <p>Company 2:12</p> <p>completes 10:1</p> <p>concerning 12:5</p> <p>concluded 13:21</p> <p>concludes 13:18</p> <p>consumption 2:10</p> <p>Continuance 7:14 7:20</p> <p>Control 1:2,8,9 10:5 11:21</p> <p>Cooke 8:10</p> <p>correct 2:22</p> <p>counsel 7:16 10:10 12:9</p> <p>criminal 12:7</p> <p>crosses 3:20</p> <p>D</p> <p>D.C 1:10 10:6,12 11:18,22 12:11 13:16</p> <p>date 7:20</p> <p>dated 6:9 7:15 8:8</p>	<p>9:2</p> <p>DC 5:16</p> <p>deal 10:3</p> <p>delivery 2:9</p> <p>deny 4:22 5:8</p> <p>discussing 12:5</p> <p>District 1:1 10:5 11:21</p> <p>DONALD 1:16</p> <p>E</p> <p>E&J 6:22</p> <p>East 4:11</p> <p>electronic 11:17 13:15</p> <p>Emanuel 4:7</p> <p>Empras 4:7</p> <p>establishment 7:17 8:12</p> <p>expand 4:8</p> <p>F</p> <p>favor 3:13 4:15 5:4 6:1,16 7:7 8:2,18 9:10</p> <p>finally 7:12</p> <p>first 2:7 6:8 7:13</p> <p>five 5:9 6:5,20 7:11 8:6,22 9:22</p> <p>Flea 5:16</p> <p>Florida 5:17</p> <p>FYI 5:11</p> <p>G</p> <p>Gallo 6:22</p> <p>give 11:11 13:10</p> <p>good 3:2</p> <p>grant 7:19 8:7</p> <p>H</p> <p>Halftime 9:3,4</p> <p>hearing 1:5,9 11:16 12:5 13:14,20</p> <p>Hearings 7:15</p> <p>HECTOR 1:18</p> <p>Hill 4:21</p> <p>hold 10:8 11:12</p>	<p>12:3 13:11</p> <p>hours 2:9,10</p> <p>I</p> <p>identified 10:11</p> <p>investigations 12:6</p> <p>investigative 12:9</p> <p>item 2:7 6:8,12 9:16</p> <p>J</p> <p>JAMES 1:19</p> <p>Jason 4:21</p> <p>Jones 11:7,8 13:6,7</p> <p>K</p> <p>Kansas 3:20</p> <p>know 3:20</p> <p>knows 3:7</p> <p>L</p> <p>law 12:8</p> <p>legal 6:6,8,21 7:13 10:10 12:8</p> <p>Let's 2:22</p> <p>letter 5:10,13,15</p> <p>letters 4:6</p> <p>license 2:13 3:5 4:11,21 5:14,18 5:19 6:11 7:19 8:14 9:5</p> <p>Licensee 4:6</p> <p>licensing 2:7 5:12</p> <p>Liquors 6:10</p> <p>located 2:12 4:10 5:17 6:10 7:18 8:13 9:4</p> <p>Lounge 8:13</p> <p>M</p> <p>M&M 4:10</p> <p>man 3:7</p> <p>manager's 4:20</p> <p>manner 11:19 13:17</p> <p>manufacturer's 2:8</p> <p>March 6:9 7:15 8:8</p>
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